

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: ISAIAH GERAFFINO, LENFORD :
: JOHNSTON, SARA FAUST, SUKOL :
: PHAIROJ, CHELSEA LINDMAN, :
: VIRGINIA WORLEY, ROSALINA :
: WALTER and THOMAS CAMPBELL on :
: behalf of themselves and others similarly :
: situated, :
:

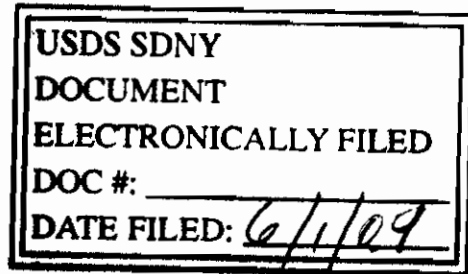
Plaintiff,

- against -

: JEAN-GEORGES ENTERPRISES, LLC; :
: JEAN-GEORGES MANAGEMENT LLC; :
: PERRY STREET PROJECT LLC; :
: TRIOMPHE RESTAURANT CORP. d/b/a :
: JEAN GEORGES RESTAURANT and :
: NOUGATINE; ORIGINE LLC d/b/a JOJO :
: RESTAURANT; SPICE MARKET LLC; :
: LEONARD STREET LLC d/b/a 66 :
: RESTAURANT; JEAN-GEORGES :
: VONGERICHTEN and JOHN DOES 1-10 :
:

Defendants.
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Civil Action No.: 07 Civ. 06729 (RJS)
(JCF)



~~PROPOSED~~ FINAL JUDGMENT AND ORDER GRANTING PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF SETTLEMENT AND CERTIFICATION OF
SETTLEMENT CLASS

The Settlement Agreement dated September 11, 2008 ("Settlement Agreement") between the Class Representatives, individual Plaintiffs, and Defendants provides for the Settlement of this lawsuit on behalf of the Class Representatives, Class Members, and individual Plaintiffs, subject to the approval by this Court of its terms and to the entry of this Final Judgment. Pursuant to an Order dated February 18, 2009 ("Preliminary Approval Order"), the Court

scheduled a hearing (the "Fairness Hearing") to consider the approval of the Settlement Agreement and the Settlement reflected in it.

Defendants deny any wrongdoing, fault, violation of law, or liability for damages of any sort. Defendants have stipulated to the certification of this class for settlement purposes only.

In accordance with the Preliminary Approval Order, Notices were sent by first class mail to the Class members and an affirmation of mailing of the Notices has been filed with the Court, demonstrating compliance with this Court's order regarding Notice.

A Fairness Hearing was held before this Court on June 1, 2009 to consider, among other things, whether the Settlement should be approved by this Court as fair, reasonable, and adequate, and whether Class Counsel's request for approval of attorneys' fees and expenses is reasonable and should be approved by this Court.

**NOW THEREFORE GOOD CAUSE APPEARING, IT IS HEREBY ORDERED,
ADJUDGED AND DECREED THAT:**

1. This Order incorporates by reference the definitions in the Settlement Agreement, and all capitalized terms used in this Final Judgment shall have the same meanings as set forth in the Settlement Agreement, unless otherwise defined herein.
2. The Court finds that the class proposed only for purposes of the Settlement meets the requirements of Fed. R. Civ. P. 23(b)(3), and hereby certifies a settlement class in the Litigation as follows:

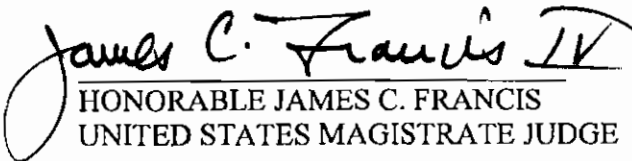
individuals employed by Defendants as servers, front waiters, captains, sommeliers, bussers, runners, "office" workers, coffee workers, cocktail servers, bartenders, and barbacks at Defendant's Perry Street restaurant from July 14, 2005 through September 3, 2008, Jean-Georges restaurant from July 26, 2001 through September 3, 2008, Spice Market Restaurant from February 12, 2004 through September 3, 2008, JoJo restaurant from October 1, 2001 through September 3, 2008, and 66 restaurant from May 17, 2003 through April 15, 2007.

3. This Court approves the Settlement and all terms set forth in the Settlement

Agreement and finds that the Settlement is, in all respects, fair, reasonable, adequate and in the best interest of the Class Members, and the Parties to the Agreement are directed to consummate and perform its terms.

4. This Court approves Class Counsel's application for an award of attorneys' fees.
5. This Court approves the Enhancement Fees and Individual Incentive Awards to Plaintiffs Isaiah Gerafino, Sara Faust, Chelsea Lindman, Virginia Worley, Rosalina Walter, Thomas Campbell, Mohammad Hadi, and Golam Chowdury.
6. The entire Litigation is dismissed with prejudice, and without costs to any party. All Qualified Class Members are barred and permanently enjoined from participating in any other collective or class action lawsuit against the Releasees, or any of them, concerning the Claims settled in this Action.
7. The Parties having so agreed, good cause appearing, and there being no just reason for delay, it is expressly directed that this Final Judgment and Order Approving Class Action Settlement and Dismissal with Prejudice be, and hereby is, entered as a final order.

Dated: June 1, 2009
New York, New York


HONORABLE JAMES C. FRANCIS
UNITED STATES MAGISTRATE JUDGE